

**BEFORE THE PUBLIC SERVICE COMMISSION
OF THE STATE OF MISSOURI**

In the Matter of the Cancellation of the Certificate)
of Service Authority of Airnex Communications,)
Inc., to Provide Intrastate Interexchange)
Telecommunications Services within the State of)
Missouri)

File No. XD-2013-0022

STAFF RECOMMENDATION TO RESCIND ORDER

COMES NOW the Staff of the Missouri Public Service Commission (“Staff”), by and through the undersigned counsel, and recommends the Missouri Public Service Commission (“Commission”) rescind its August 1, 2012 *Order Canceling Certificate And Accompanying Tariff*. For its Recommendation, Staff respectfully states as follows:

1. On August 1, 2012¹, the Commission issued its *Order Canceling Certificate And Accompanying Tariff* (“Order”) of Airnex Communications, Inc., (“Airnex” or “Company”) to provide intrastate interexchange telecommunication services in the State of Missouri.

2. On August 9, a representative of Airnex contacted the undersigned to express the Company’s desire to retain its certificate of service authority. Also on the same date, the Company filed annual reports for the delinquencies and deficiencies alleged in Staff’s July 18 *Motion to Cancel Certificate of Service Authority*.

3. On August 8, the undersigned moved for an extension of the effective date of the *Order* to allow Airnex to seek Missouri counsel to assist the Company in retaining its certificate. On the same date, the Commission granted Staff’s request and extended the effective date of the *Order* until August 21.

4. On August 20, Airnex filed a motion for rehearing and requested a further extension of the effective date of the Commission’s *Order* to allow the Company to come into compliance with all filing requirements. On the same date, the Commission granted Airnex’s

¹ All dates herein refer to calendar year 2012.

request for an extension of the effective date until October 4 in its *Order Extending Effective Date Of Order And Directing Filing*.

5. The Commission's *Order Extending Effective Date Of Order And Directing Filing* also directed Staff to file a report by September 28 stating whether Airnex is in full compliance with the Commission's regulations and recommend whether the Commission should rescind its *Order* canceling the Company's certificate and tariff.

6. Staff has reviewed the annual reports filed by Airnex and states that the Company is now in full compliance with the Commission's annual filing requirements. The Commission's *Order* canceling the Company's certificate and tariff never became effective and Staff recommends the Commission rescind the *Order*.

WHEREFORE, Staff submits this Recommendation for the Commission's information and consideration and recommends the Commission rescind its August 1, 2012 *Order Canceling Certificate And Accompanying Tariff* of Airnex Communications, Inc.

Respectfully submitted,

/s/Jennifer Hernandez

Jennifer Hernandez
Senior Staff Counsel
Missouri Bar No. 59814

Attorney for the Staff of the
Missouri Public Service Commission
P. O. Box 360
Jefferson City, MO 65102
(573) 751- 8706 (Telephone)
(573) 751-9285 (Fax)
jennifer.hernandez@psc.mo.gov

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing was served on this 25th day of September, 2012 by: First Class United States Mail, postage prepaid, to Airnex Communications, Inc., 5000 Hopyard, Ste. 240, Pleasanton, CA 94588; electronic mail to Airnex Communications, Inc. at arnold@airnex.com; and electronic mail to the Office of the Public Counsel at opcservice@ded.mo.gov.

/s/Jennifer Hernandez